

RESOLUTION 02-2023

A RESOLUTION ADOPTING A STATEMENT OF SERVICES FOR A PROPOSED ANNEXATION OF +/- 345.335 ACRES FROM SCIOTO TOWNSHIP TO THE VILLAGE OF COMMERCIAL POINT, AND DECLARING AN EMERGENCY.

WHEREAS, a petition for an Expedited Type II annexation of +/- 345.335 acres from Scioto Township was filed with the Board of County Commissioners of Pickaway County, Ohio on January 20, 2023 by Thomas L. Hart, attorney and agent for Petitioners S&G Commercial Point, Ltd., Michael Edward Struckman, Trustee, and Lighthouse Community Christian Church Inc. ("Petitioners"); and

WHEREAS, R.C. 709.023(C) requires that, within twenty days of an annexation petition being filed, the municipal legislative authority shall adopt a statement of services indicating which services the municipal corporation will provide to the territory proposed for annexation and an approximate date by which it will provide services to the territory upon annexation; and

WHEREAS, R.C. 709.023(C) requires that, within twenty days of the annexation petition being filed, the municipality to which annexation is proposed must adopt an ordinance or resolution relating to land uses and buffers if the territory proposed to be annexed is currently subject to either county zoning pursuant to Chapter 303 or township zoning pursuant to Chapter 519 of the Ohio Revised Code; and

WHEREAS, R.C. 709.023(C) defines "buffer" to include open space, landscaping, fences, walls, and other structured elements, streets, and street rights-of-way, and bicycle and pedestrian paths and sidewalks; and

WHEREAS, the total perimeter of the proposed annexed territory is at least 5% contiguous with territory currently within the Village of Commercial Point.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF COMMERCIAL POINT, PICKAWAY COUNTY, OHIO THAT:

Section 1. Statement of Services. The Village of Commercial Point will provide the following municipal services for the +/- 345.335 acres subject territory currently in Scioto Township (Pickaway County) as described in the petition for annexation, which is attached hereto as Exhibit A ("Property"), immediately upon the annexation of the area to the Village of Commercial Point, Ohio,:

- (a) Potable Water;
- (b) Zoning under Village Ordinances;
- (c) Police;
- (d) Refuse and recycling pickup under current contract;
- (e) Snow removal and street maintenance.

Section 2. Statement as to Sanitary Sewer Capacity. At this time, the Village of Commercial Point does not have the capacity to provide the Property with sanitary sewer service. The provision of such services to the Property is subject to and conditioned upon the then available plant capacity at the time the contemplated development of the Property requires such service, and such service shall be provided on a first-come, first-served basis when such service capacity is available. The Village estimates, but in no way guarantees, that such sanitary sewer capacity will be available within three (3) calendar years from the date of the adoption of this Resolution.

Section 3. Zoning. Should the territory (a) be annexed and (b) subsequently become subject to zoning pursuant to the Village, and (c) the municipal zoning permits uses in the annexed territory that the Village Council determines are clearly incompatible with the uses permitted under current county or township zoning in the adjacent land remaining in the township from which the territory was annexed, the Village Council will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township should land adjacent to the territory be determined to be unincorporated territory.

Section 4. Open Meetings Certification. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this

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Council and that all deliberations of this Council and of any other committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 5. Emergency Declaration; Effective Date. Council declares this Resolution to be an emergency measure immediately necessary for the preservation of the public peace, health, and safety of the Village of Commercial Point and the further reason that this Statement of Services Resolution must be filed with the Pickaway County Board of Commissioners no later than February 9, 2023 in order to meet the timing requirements of state annexation law. Therefore, this Resolution shall take immediate effect upon passage.

Vote on Suspension of the Readings:

Motion by: Ross Crego

2nd: Stacey Plybon

Roll Call:

Yes Nancy Geiger

No Ryan Mitchem

Yes Audrea Ratliff

Yes Ross Crego

Yes Stacey Plybon

Yes Laura Wolfe

Vote on Passage of the Resolution:

Motion by: Stacey Plybon

2nd: Ross Crego

Roll Call:

Yes Nancy Geiger

No Ryan Mitchem


Yes Audrea Ratliff

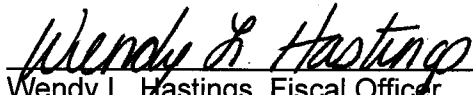
Yes Ross Crego

Yes Stacey Plybon

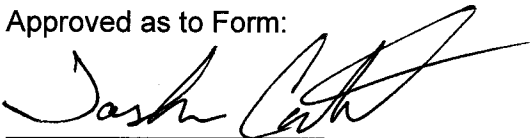
No Laura Wolfe

Adopted this 6th day of February, 2023.


Allan D. Goldhardt, Mayor


Wendy L. Hastings, Fiscal Officer

Approved as to Form:


Joshua Cartee, Village Solicitor

Board of County Commissioners
Pickaway County, Ohio

**EXPEDITED TYPE II PETITION FOR ANNEXATION (SECTION 709.023)
TO THE VILLAGE OF COMMERCIAL POINT OF
345.335+/- ACRES, MORE OR LESS,
FROM SCIOTO TOWNSHIP**

123 JAN 20 9:09 AM

**TO THE BOARD OF COUNTY COMMISSIONERS
OF PICKAWAY COUNTY, OHIO**

The undersigned, petitioners in the premises, and being THE SOLE OWNERS OF REAL ESTATE in the territory described, consisting of 345.335 +/- acres, more or less, with a total length of the annexation perimeter of 26,322 feet, more or less, in the Township of Scioto, which area is contiguous along 2,967 feet, or 11.3% is contiguous to the Village of Commercial Point, do hereby pray that said territory be annexed to the Village of Commercial Point, according to the statutes of the State of Ohio and that no island of unincorporated area will be created by this annexation.

A full and accurate description and a plat of said territory so prayed to be annexed are attached hereto as Exhibit "A" and "B" and made part hereof.

In support of said Petition, the petitioners state that there are within the territory so prayed to be annexed THREE (3) OWNERS OF SAID REAL ESTATE.


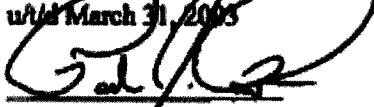
Thomas L. Hart, whose address is Painter & Associates LLC, 5029 Cemetery Road, Hilliard, OH 43026, is hereby appointed agent for the undersigned Petitioners, as required by Section 709.02 of the Revised Code of Ohio. Said agent is hereby authorized to make any amendment and/or deletion which in his absolute and complete discretion is necessary or proper under the circumstances then existing, and in particular to make such amendment in order to correct any discrepancy or mistake noted by the Pickaway County Engineer in his examination of an amended plat and description to the Board of Commissioners on, before, or after the date set for hearing on this Petition.

"WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE. ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE."

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Exhibit A (continued)

<u>NAME</u>	<u>ADDRESS</u>	<u>DATE</u>
<i>S&G Commercial Point, Ltd.</i> <i>Michael Edward Struckman, Trustee</i> S&G Commercial Point, Ltd. an Ohio limited liability company by Michael Edward Struckman, Trustee of the Michael Edward Struckman Trust u/d March 31, 2003, as amended Member/Manager	8960 St. Rt. 762 Orient, OH 43146	<u>1-14</u> , 2023
<i>Wendy Sizemore</i> S&G Commercial Point, Ltd. an Ohio limited liability company by Wendy Sizemore, Trustee of the Wendy Sizemore Trust u/d December 12, 2019, as amended Member/Manager	8960 St. Rt. 762 Orient, OH 43146	<u>1-13</u> , 2023
<i>Michael Edward Struckman, Trustee</i> Michael Edward Struckman, Trustee of the Michael Edward Struckman Trust u/d March 31, 2003, as amended	8960 St. Rt. 762 Orient, OH 43146	<u>1-14</u> , 2023
<i>Wendy Sizemore</i> Wendy Sizemore, Trustee of the Wendy Sizemore Trust u/d December 12, 2019, as amended	8960 St. Rt. 762 Orient, OH 43146	<u>1-13</u> , 2023
<i>all attached</i> Lighthouse Community Christian Church, Inc., an Ohio non-profit corporation by PJ Rings,	11659 St. Rt. 104 Ashville, OH 43103	_____, 2022

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Exhibit A (continued)

<u>NAME</u>	<u>ADDRESS</u>	<u>DATE</u>
<u><i>see attached</i></u> S&G Commercial Point, Ltd. an Ohio limited liability company by Michael Edward Struckman, Trustee of the Michael Edward Struckman Trust w/d March 31, 2003, Manager	8960 St. Rt. 762 Orient, OH 43146	_____, 2022
<u><i>see attached</i></u> Michael Edward Struckman, Trustee of the Michael Edward Struckman Trust w/d March 31, 2003 	8960 St. Rt. 762 Orient, OH 43146	_____, 2022
<u></u> Lighthouse Community Christian Church, Inc., an Ohio non-profit corporation by PJ Rings,	11659 St. Rt. 104 Ashville, OH 43103	<u>1/3</u> , 2023

EXHIBITS

- Exhibit A= Legal Description**
- Exhibit B= Plat Map**
- Exhibit C= Adjacent Parcel Owner List**

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Exhibit A (continued)

PROPOSED ANNEXATION

Containing 348.335 +/- Acres
From Scioto Township to The Village of Commercial Point

Situated in the State of Ohio, County of Pickaway, Township of Scioto, being part of William Heath's original Survey No. 1294, Virginia Military Survey No. 4541 and Virginia Military Survey No. 6825 and being all that remains of an original 889.988 acre tract as conveyed to S & G Commercial Point, LMC, and Michael Edward Struckman, Trustee of record in Official Record 757, Page 1384, PID L270016048906, and all of a 5.0010 acre tract as conveyed to Lighthouse Community Christian Church Inc, of record in Official Record #12, Page 717, PID L270010818801, all references being of record in the Recorder's office, Pickaway County, Ohio, and being more particular described as follows:

Beginning at the certificate intersection of State Route 762 with Gibson Road;

Thence North 86°19'38" East with the centerline of said State Route 762, a distance of 884.00 feet, to the westerly line of an original 145.857 acre tract as conveyed to Dorsman Farms I, LTD of record in Official Record 716, Page 684;

Thence South 55°50'59" East, with the southeasterly line of said 145.857 acre tract, a distance of 548.74 feet to a corner thereof;

Thence South 22°04'18" East, with the westerly line of said 145.857 acre tract, a distance of 2358.28 feet to a corner thereof; in the northerly line of an 85.254 acre tract as conveyed to Jerry L. Thierrens, of record in Official Record 694, Page 2382;

Thence with the perimeter of said 85.254 acre tract the following courses:

South 64°19'17" West, a distance of 85.77 feet, to a corner thereof;

South 23°52'29" East, a distance of 883.40 feet, to a corner thereof;

North 66°02'42" East, a distance of 476.50 feet, to an angle point;

North 59°31'59" East, a distance of 1,822.54 feet, to an easterly corner thereof and the southwestery corner of said 5.0010 acre tract;

Thence with the perimeter of said 85.254 acre tract and the perimeter of said 5.0010 acre tract the following courses:

North 2°29'44" West, a distance of 682.26 feet, to a corner thereof;

North 83°08'09" East, a distance of 487.56 feet, to a corner thereof in the centerline of State Route 104;

Thence South 82°35'59" East, with said centerline a distance of 2,888.96 feet, to the northeasterly corner of that 1.288 acre tract of land as conveyed to Patrick A. McMillan of record in Official Record 539, Page 1587;

Thence South 65°18'36" West, with the northerly line of said 1.288 acre tract and the northerly line of that 12.487 acre tract or land as conveyed to William R. and Barbara A. Eversick, Joseph L. and Carolyn M. Stockham, of record in Official Record 546, Page 2229 and partially with the northerly line of that 77.884 acre tract as conveyed to Joseph Edwin Caldwell of record in Official Record 172, Page 6172, a distance of 2,177.82 feet, to the northeasterly corner of said 77.884 acre tract;

Thence South 24°49'08" East, with the westerly line of said 77.884 acre tract, a distance of 1486.58 feet, to a northeasterly corner of a 22.584 acre tract as conveyed to Heather P. Thibart and Dustin S. Thibart, of record in Official Record 746, Page 594;

Thence South 61°46'36" West, with the northerly line of said 22.584 acre tract, a distance of 2,097.41 feet, to the southwestery corner of said 22.584 acre in the centerline of said Gibson Road;

Thence North 15°26'35" West, with the centerline of said Gibson Road a distance of 4,125.15 feet to the northeasterly corner of a 14.888 acre tract of land as conveyed to Vickie L. Fleming and Denise C. Fleming of record in Official Record 687, Page 1888;

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A

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Exhibit A (continued)

Thence South 74°10'00" West, with the northerly line of said 15.686 acre tract and partially with the northerly line of a 27.287 acre tract as conveyed to Mrs. P. and Alma Cole of record in Official Record 748, Page 4768 a distance of 1611.75 feet to the southeasterly corner of a 41.5737 acre tract as conveyed to Bull Family Farms Ltd. of record in Official Record 748, Page 1762;

Thence with the easterly line of said 49.8737 acre tract the following courses:

North 42°28'44" West a distance of 274.89 feet to a point;

North 82°22'15" East a distance of 112.67 feet to a point;

North 2°05'33" East a distance of 118.21 feet to a point;

North 34°12'46" West a distance of 279.70 feet to a point;

North 16°33'25" East a distance of 67.16 feet to a point;

North 36°53'49" West a distance of 294.98 feet to a point;

North 36°49'31" West a distance of 291.42 feet to a point, to the southwesterly corner of a 48.686 acre tract as conveyed to S & B Commercial Point, Ltd. and Michael Edward Struckman, Trustee of record in Official Record 798, Page 3259 and a corner of the existing Village of Commercial Point Corporation Line Resolution No. PC-040919-4, Ordinance Date 2019-11, Official Record 767, Page 4306;

Thence North 74°18'04" East with southerly lines of said 49.636 acre tract and the existing Village of Commercial Point Corporation Line, a distance of 1887.27 feet to a corner thereof, in the continuation of said Gibson Road;

North 19°19'10" West with said continuation and said corporation line extended a distance of 1495.19 feet to the POINT OF BEGINNING and containing 348.235 acres of land, more or less.

This annexation description is a general description of the location of the property to be annexed and is not a boundary survey as defined in the O.A.C. Chapter 4733.37. The above description is for annexation purposes only and not intended to be used for the transfer of real property.

The above annexation contains 2,967 linear feet that is contiguous with the Existing Corporation Line of the Village of Commercial Point, with a Total perimeter of 26,322 linear feet to be annexed, that being 11.3% of the perimeter length that is contiguous to the Existing Corporation Line of the Village of Commercial Point.

CESO, Inc.

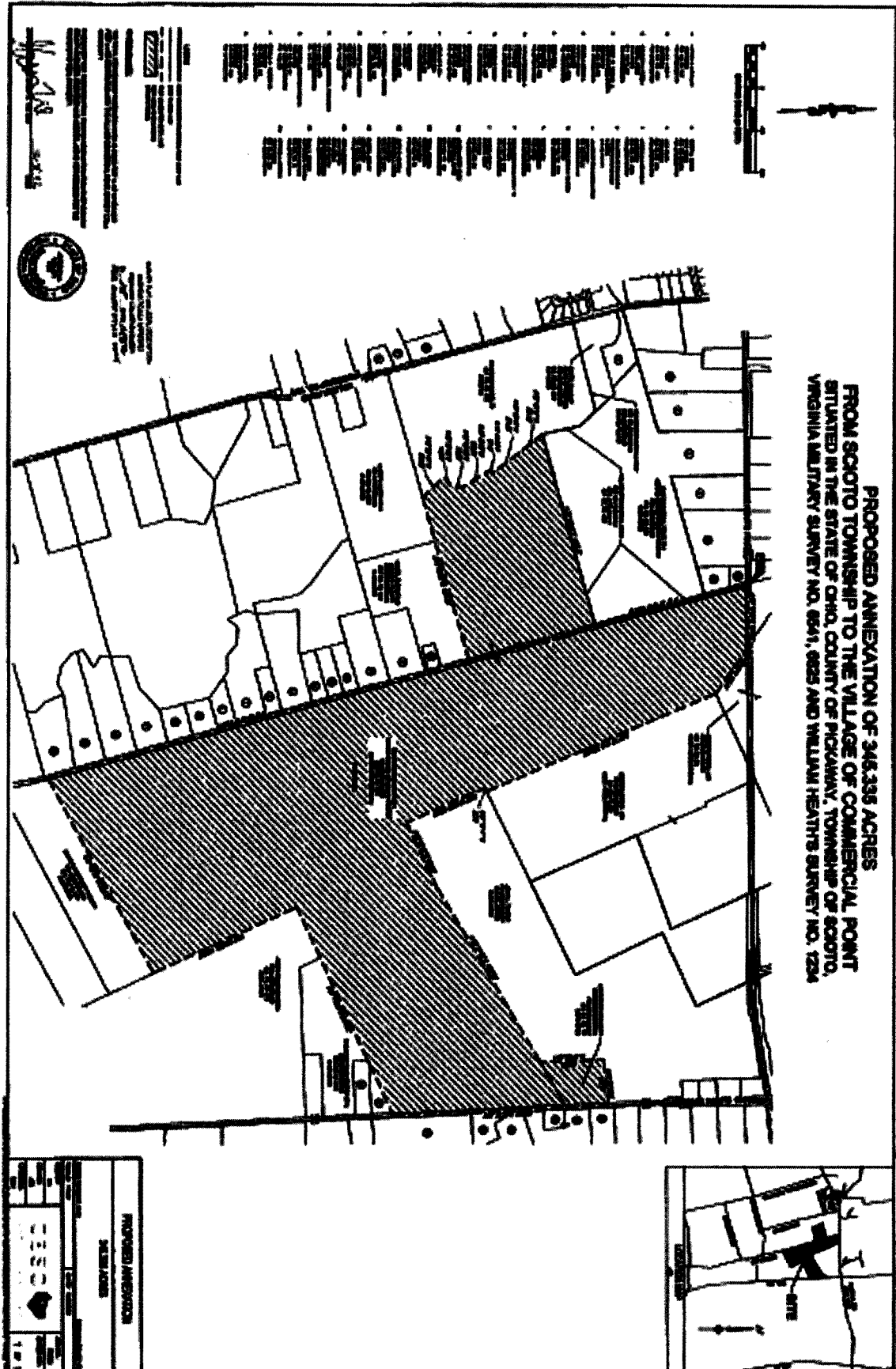


[Signature] 12-8-22
Date
Lic. No. 7211
Professional Engineer
Reg. No. 8881

SURVEY PLAT and LEG-1 DESCRIPTION
MATHEMATICALLY APPROVED
PICKAWAY COUNTY ENGINEER
BY *[Signature]* DATE 12/9/22
FOR PUBLIC REVIEW ONLY



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Exhibit A (continued)



B

EXHIBIT C – ADJACENT PARCEL OWNERS

1. Parcel No. L2700010049800
0 SR 762
Doersam Farms I, Ltd.
7687 Lockbourne Road
Lockbourne, OH 43137
2. Parcel No. L2700010050000
0 SR 762
Doersam Farms I, Ltd.
7687 Lockbourne Road
Lockbourne, OH 43137
3. Parcel No. L2700010050304
0 SR 782
Jerry L. Timmons
7108 Scioto Darby Road
Ashville, OH 43103
4. Parcel No. L2700010051600
Joseph Grimes Caldwell
12479 SR 104
Ashville, OH 43103
5. Parcel No. L2700010051105
William & Barbara Emerick et al.
12119 SR 104
Ashville, OH 43103
6. Parcel No. L2700010048300
Dustin & Heather Theibert
12614 Gibson Road
Ashville, OH 43103
9. Parcel No. L2700010047400
Marc & Almee Cain
12100 Walker Road
Ashville, OH 43103
10. Parcel No. L2700010047404
12100 Walker Road
Vickie & Dennis Fleming
11173 Borror Road
Orient, OH 43146

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Exhibit A (continued)

11. **Parcel No. L2700010049001**
0 Walker Road
Ball Family Farms Ltd.
14351 Matville Road
Orient, OH 43146
12. **Parcel No. L4000010001500**
S&G Commercial Point Ltd. &
Michael Edward Struckman, Trustee
8960 SR 762
Orient, OH 43146
13. **Parcel No. L2700010051103**
Patrick A. McMillan
12049 SR 104
Ashville, OH 43103
14. **Parcel No. L2700010051102**
Joyce F. Wright
12085 SR 104
Ashville, OH 43103
15. **Parcel No. L2700010048509**
Gregory & Terry Price
12809 Gibson Road
Ashville, OH 43103
16. **Parcel No. L2700010048503**
Barry & Susie Campbell Brown
12597 Gibson Road
Ashville, OH 43103
17. **Parcel No. L2700010048508**
Bruce Moore & Amanda Adams
12491 Gibson Road
Ashville, OH 43103
18. **Parcel No. L2700010048506**
Kevin & Susan Fox
12475 Gibson Road
Ashville, OH 43103
19. **Parcel No. L2700010048502**
Thomas & Angela Sturgeon
12413 Gibson Road
Ashville, OH 43103

RESOLUTION 02-2023
Exhibit A (continued)

20. **Parcel No. L2700010048505**
Patricia Ramey
12369 Gibson Road
Ashville, OH 43103
21. **Parcel No. L2700010048501**
Mervin Cochran, Jr. & Tami Riegel
12325 Gibson Road
Ashville, OH 43103
22. **Parcel No. L2700010048504**
Nicholas & Freida Gill
12317 Gibson Road
Ashville, OH 43103
23. **Parcel No. L2700010048510**
Emily Adams
12263 Gibson Road
Ashville, OH 43103
24. **Parcel No. L2700010048507**
12241 Gibson Road
K. Ross Bidwell, Trustee
c/o Brenda Lehman
3583 Watada Drive
Brighton, CO 80601
25. **Parcel No. L2700010100300**
Jeffery Angela Kuder
12209 Gibson Road
Ashville, OH 43103
26. **Parcel No. L2700010100200**
Robert & Amanda Hankinson
12183 Gibson Road
Ashville, OH 43103
27. **Parcel No. L2700010100100**
Trevor S. Ledbetter, Trustee
12149 Gibson Road
Ashville, OH 43103
28. **Parcel No. L2700010048701**
Donald R. Haddock, Jr.
12079 Gibson Road
Ashville, OH 43103

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Exhibit A (continued)

29. Parcel No. L2700010047403
Dustin & Christina Little
12025 Gibson Road
Ashville, OH 43103
30. Parcel No. L2700010047401
Scott Devos
11735 Gibson Road
Ashville, OH 43103
31. Parcel No. L2700010047203
Jeff Beach
12095 Walker Road
Ashville, OH 43103
32. Parcel No. L2700010047201
Angle Shane Wright
12079 Walker Road
Ashville, OH 43103
33. Parcel No. L _____
Scioto Presbyterian Church
34. Parcel No. L2800080004400
0 Walker Road
Village of Commercial Point
P. O. Box 78
Commercial Point, OH 43116
35. Parcel No. L2700010049400
Rodney Winget Trustee
5871 SR 762
Ashville, OH 43103
36. Parcel No. L2700010049105
Darryl Jordan II & Audra Jordan
5805 SR 762
Ashville, OH 43103
37. Parcel No. L4000010001600
0 SR 762
S&G Commercial Point, Ltd.
8960 SR 762
Orient, OH 43146
38. Parcel No. L2700010049402
David & Dawn Riley

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Exhibit A (continued)

- 5659 SR 762
Ashtville, OH 43103**
- 39. Parcel No. L2700010049102
James Harvey & Juanita Joyce
5845 SR 762
Ashtville, OH 43103**
- 40. Parcel No. L2700010049200
11498 Gibson Road
Toni & Steven Smith
P. O. Box 265
Commercial Point, OH 43116**
- 41. Parcel No. L2700010049300
5541-5543 SR 762
Jerry Kraft & Christine Adams
118 East Street
Ashtville, OH 43103**
- 42. Parcel No. L2700010050701 and L2700010050705
Joan & John Tupper
11622 SR 104
Ashtville, OH 43103**
- 43. Parcel No. L2700010051000
12100 SR 104
Sally Green, Suc. Trustee
1339 Fallsbrook Drive NW
Acworth, GA 30101**
- 44. Parcel No. L2700010051001
Victoria Mercer
11880 SR 104
Ashtville, OH 43103**
- 45. Parcel No. L2700010050707
Susie M. Cooley
11640 SR 104
Ashtville, OH 43103**
- 46. Parcel No. L2700010049002
0 Walker Road
Scioto Twp. Board of Trustees
6752 SR 762
Commercial Point, OH 43116**